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NECESSITY OF ENDING THE ECONOMIC, COMMERCIAL AND FINANCIAL EMBARGO IMPOSED BY THE UNITED STATES OF AMERICA AGAINST CUBA

Letter dated 31 January 1997 from the Chargé d'affaires a.i. of the Permanent Mission of Cuba to the United Nations addressed to the Secretary-General

I have the honour to attach the text of the Reaffirmation of Cuban Dignity and Sovereignty Act, adopted by the National Assembly of People's Power of Cuba. I should like to request that this letter and its annex be circulated as a document of the General Assembly under the item "Necessity of ending the economic, commercial and financial embargo imposed by the United States of America against Cuba".

(Signed) Pedro NUÑEZ MOSQUERA
Chargé d'Affaires, a.i.

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ANNEX

Reaffirmation of Cuban Dignity and Sovereignty Act, adopted on 24 December 1996 by the National Assembly of People's Power of Cuba

I, Ricardo Alarcón de Quesada, President of the National Assembly of People's Power of the Republic of Cuba,

Let it be known: That the National Assembly of People's Power, at its session of 24 December 1996, centennial year of the death in combat of Antonio Maceo, corresponding to the seventh regular session of the fourth legislature, has approved the following:

Whereas: In the United States of America, the Helms-Burton Act, whose objective is the colonial reabsorption of the Republic of Cuba, has been put into effect,

Whereas: Cuba has long suffered from the imperialist policies of the United States of America, designed to take control of Cuba by various means, starting with its attempts to buy the island from Spain, through its application of the idea of "manifest destiny" and the concept that Cuba is a "ripe apple" which will fall into United States hands, and the resulting Monroe Doctrine, in an attempt to systematically impede our struggles for national liberation, to its 1898 intervention which thwarted the independence for which the Cubans had been fighting with machetes, courage, intelligence and audacity, thus converting Cuba into its colony,

Whereas: Through the Platt Amendment and its continued intervention and meddling in the internal affairs of the country, the United States of America usurped part of the national territory by installing the Guantánamo naval base, imposed corrupt and despotic regimes, including the ignominious and bloody tyrannies of Machado and Batista, and since 1959 has systematically attacked Cuba with the declared objective of putting an end to its independence, eliminating Cuban nationality and forcing the population into servitude,

Whereas: The Cuban people, faithful bearers of the independence legacy of the Liberation Army fighters, and of the workers, peasants, students and intellectuals who have fought and will continue to fight the pretensions of their century-old enemy, are prepared to undertake the greatest efforts and sacrifices to maintain the sovereignty, independence and freedom that they won forever on 1 January 1959,

Whereas: The process of nationalizing the riches and natural resources of the nation, carried out by the revolutionary Government in the name of the Cuban people, was put into effect in accordance with the Constitution, existing laws and international law, without discrimination, with the objective of public benefit, making available adequate compensation, as agreed through bilateral negotiations with all the Governments involved, with the exception of the United States of America, which refused to negotiate because of its policy of blockade and aggression, gravely damaging its own citizens by its actions,

Whereas: The Cuban people will never permit their country's destiny to be determined by laws dictated from any foreign power,

Whereas: The Helms-Burton Act has been almost unanimously rejected by the international community, owing to its violation of the principles of international law as recognized in the Charter of the United Nations, and to its extra territorial application, which contradicts international norms, in an attempt arbitrarily and illegally to dictate rules to be followed by other States,

Whereas: A considerable number of foreign business people have demonstrated their confidence in Cuba by investing in the country or negotiating possible investments, using all possible legal formulas to help to protect their interests,

Whereas: The National Assembly of People's Power, as the representative of all the people, repudiates the Helms-Burton Act and declares its uncompromising decision to adopt all available legal measures as a response to this anti-Cuba legislation, and to demand the compensation to which the State and people of Cuba have a right,

Therefore: By the powers granted under article 75 (b) of the Constitution of the Republic, the National Assembly of People's Power has adopted the following:

ACT NO. 80

REAFFIRMATION OF CUBAN DIGNITY AND SOVEREIGNTY ACT

Article 1. The Helms-Burton Act is declared illegal, inapplicable and without value or legal effect.

Consequently, all claims by persons or corporations, regardless of citizenship or nationality, on the basis of the Helms-Burton Act shall be considered null and void.

Article 2. The willingness of the Government of the Republic of Cuba, as expressed in the nationalization laws implemented more than 35 years ago, to pay adequate and just compensation for the expropriated property of persons and corporations that had United States citizenship or nationality at that time, is reaffirmed.

Article 3. The compensation referred to in the preceding article for United States properties nationalized by virtue of this legitimate process, as validated by Cuban laws and international law, may form part of a negotiating process between the Government of the United States of America and the Government of the Republic of Cuba on the basis of equality and mutual respect.

The compensation claims for the nationalization of said properties should be examined together with the compensation to which the Cuban State and people have a right, as a result of the damages caused by the blockade and all types of

aggression, for which the Government of the United States of America is responsible.

Article 4. Any person or corporation of the United States of America that uses the procedures and mechanisms of the Helms-Burton Act, seeks its protection or tries to employ it against others shall be excluded from the possible future negotiations referred to in articles 2 and 3.

Article 5. The Government of the Republic of Cuba is in charge of adopting the provisions, measures and additional arrangements that will be necessary for the complete protection of current and potential foreign investments in Cuba, and the defence of legitimate interests of the same in the face of actions that could derive from the Helms-Burton Act.

Article 6. The Government of the Republic of Cuba is charged with applying or authorizing the formulas that are required for the protection of foreign investors against the application of the Helms-Burton Act, including the transfer of foreign investors' interests to fiduciary companies, financial entities or investment funds.

Article 7. The competent State bodies, as authorized by the Government of the Republic of Cuba, in accordance with the provisions of existing legal regulations, shall provide foreign investors who request them with all available information and documentation necessary for the defence of their legitimate interests against the provisions of the Helms-Burton Act.

In addition, they shall supply the above-mentioned information and documentation to foreign investors who request them in order to pursue legal action in the courts of their respective countries, under legal provisions that protect their interests or that have been established to prevent or limit the application of the Helms-Burton Act.

Article 8. Any form of collaboration, direct or indirect, which favours the application of the Helms-Burton Act is declared unlawful. Collaboration shall be defined as, among other acts:

- Seeking information for or supplying information to a representative of the Government of the United States of America or any other individual for the purpose of using it directly or indirectly in the possible application of the Act or aiding another person in seeking or supplying such information;

- Requesting, receiving, accepting or facilitating the distribution of or benefiting in any way from financial, material or other forms of resources issued by the Government of the United States of America or channelled by it through its representatives or by any other means, for purposes which would benefit the application of the Helms-Burton Act;

- Divulging, disseminating or aiding in the distribution of information, publications, documents or propagandistic material from the Government of the United States of America, its agencies or dependencies or any

other source, for the purpose of facilitating the application of the Helms-Burton Act;

- Collaborating in any way with radio or television stations or other media or propaganda sources for the purpose of facilitating the application of the Helms-Burton Act.

Article 9. The Government of the Republic of Cuba shall present the National Assembly of People's Power or the Council of State, depending on the jurisdiction involved, with the draft legislation necessary for imposing sanctions on all actions which in one way or another involve collaboration with the objectives of the Helms-Burton Act.

Article 10. It is hereby ratified that monetary remittances sent by persons of Cuban origin resident abroad to family members residing in Cuba shall not be subject to taxes of any kind. The Government of the Republic of Cuba shall adopt all measures deemed necessary to facilitate such remittances.

Persons of Cuban origin resident abroad shall be permitted to hold bank accounts in freely convertible currency or in Cuban pesos in Cuban banks, and the interest accruing on these accounts shall not be subject to taxes of any kind.

In addition, it shall be permitted for insurance policies to be taken out naming permanent residents of Cuba as beneficiaries. The beneficiaries shall be allowed to freely collect the corresponding payments without paying taxes of any kind.

Article 11. The Government of the Republic of Cuba shall maintain current data on the compensation owed by the Government of the United States of America as a consequence of the effects of the economic, trade and financial blockade and its aggression against the country and shall add to these claims the damages and losses caused by thieves, embezzlers, corrupt politicians and mafiosos, as well as the torturers and murderers who were part of the Batista dictatorship, for whose actions the Government of the United States of America has taken responsibility by approving the Helms-Burton Act.

Article 12. Individuals who themselves or whose family members have been the victims of personal injury or material damage as a result of the actions sponsored or supported by the Government of the United States of America referred to in the following paragraph shall be able to file claims for the corresponding compensation before the Claims Commissions that shall be created and organized by the Ministry of Justice of the Republic of Cuba, which shall be authorized to decide upon the validity of these claims and upon the amount owing and the responsibility of the Government of the United States of America.

The actions referred to in the preceding paragraph shall include death, injury or economic losses caused by the torturers and murderers of the Batista dictatorship, as well as by saboteurs and other criminals in the service of United States imperialism against the Cuban nation since 1 January 1959.

The Ministry of Justice shall be authorized to regulate the procedures involved in filing the claims referred to in this article and to issue any further resolutions for this purpose.

Article 13. The National Assembly of People's Power and the Government of the Republic of Cuba shall cooperate and work in coordination with other parliaments, Governments and international agencies, with the aim of promoting any actions deemed necessary to block the application of the Helms-Burton Act.

Article 14. The people of Cuba as a whole are called upon to continue the profound and systematic examination of the annexationist and colonialist plans of the Government of the United States of America included in the Helms-Burton Act as a means of ensuring that in every territory, community, workplace, educational institution and military unit there is full knowledge of the specific consequences that the execution of these plans would entail for each and every citizen, and to guarantee everyone's active and conscientious participation in the measures needed to defeat them.

Final provisions

First: The Government of the Republic of Cuba and the appropriate State agencies shall be authorized to issue any resolutions deemed necessary for the fulfilment of the provisions of this Act.

Second: Any laws or regulations contrary to this Act shall be rendered null and void when this Act enters into effect, upon its publication in the Official Gazette of the Republic.

ISSUED at the Assembly Hall of the National Assembly of People's Power, International Conference Centre, in the city of Havana on 24 December 1996.

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